

1
2
3
4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 CHARLES DANIEL, JR.,)
8)
9 Plaintiff,) Case No. C08-1451-RSM-BAT
10 v.)
11 SGT. MAXSSON, et al.,) ORDER GRANTING MOTION
12) TO FILE PLAINTIFF'S SPECIFIC
13) RESPONSE
14 Defendants.)
15)

16 Now before the Court is plaintiff's motion to file plaintiff's specific response to defendants'
17 caselaw authority cited in motion to dismiss. Dkt. 19. Having considered plaintiff's motion and the
18 balance of the record, the Court does hereby find and rule as follows:

19 On December 1, 2008, defendants filed their motion to dismiss, noted for the Court's
20 consideration on December 26, 2008. Dkt. 12. On December 12, 2008, plaintiff filed a motion for
21 an extension of time to submit his response, also noted for the Court's consideration on December
22 26, 2009. Dkt. 14. Plaintiff stated that he needed additional time to obtain the legal authorities
23 necessary to respond to the defendants' motion. However, on December 22, 2008, plaintiff filed a
response to the motion. Dkt. 17. Defendants filed their reply on December 24, 2008. Dkt. 15.

On December 29, 2008, the Court granted plaintiff's motion for an extension. Dkt. 16. The
Court directed plaintiff to file his response by January 19, 2009, and defendants could file a reply
by January 23, 2009. Although plaintiff had already filed a response, on January 9, 2009, he filed a

1 document entitled "Plaintiff's Specific Response to Defendants' Cited Caselaw Authority in Motion
2 to Dismiss of 1st Dec. '08." Dkt. 18. This document addresses the cases cited by defendants in
3 their motion to dismiss. Plaintiff now asks the Court to accept this response in light of the fact that
4 the Court granted him an extension of time to respond to the motion to dismiss. Defendants have
5 filed no opposition to the request.

6 Plaintiff's motion to file plaintiff's specific response to defendants' caselaw authority cited
7 in motion to dismiss (Dkt. 19) is GRANTED. The Court notes that it was closed for several days in
8 the latter part of December due to adverse weather and holidays. This, perhaps, explains some of
9 the discrepancies in dates in this case. The Court accepts plaintiff's supplemental response for
10 consideration along with the other supporting materials to defendants' motion to dismiss.

11 The Clerk shall direct a copy of this Order to plaintiff and to counsel for defendants.

12 DATED this 20th day of February, 2009.

13
14 

15 BRIAN A. TSUCHIDA
16 United States Magistrate Judge
17
18
19
20
21
22
23